

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRISTABEL MEJIA-ZAYAS,

Defendant.

Case No. 3:18-cr-00093-SLG

**ORDER**

Before the Court at Docket 37 is Defendant's Motion to Suppress Physical Evidence and Statement. Plaintiff opposed at Docket 38. Defendant replied at Docket 43.

The matter was referred to the Honorable Magistrate Judge Matthew M. Scoble. At Docket 62, Judge Scoble issued his Initial Report and Recommendation, in which he recommended that Defendant's motion be denied. At Docket 64, Defendant filed objections to the Initial Report and Recommendation. At Docket 65, Plaintiff replied to Defendant's objections. At Docket 68, Judge Scoble issued his Final Report and Recommendation, in which he again recommended that Defendant's motion be denied. No further objections were filed by either party.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in

part, the findings or recommendations made by the magistrate judge.”<sup>1</sup> A court is to “make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.”<sup>2</sup> But as to those topics on which no objections are filed, “[n]either the Constitution nor [28 U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.”<sup>3</sup>

The Court has considered de novo the objections filed by Defendant to the Initial Report and Recommendation, and has reviewed the record related to the motion. The Court finds the United States clearly had probable cause to arrest Defendant on July 26, 2018. In light of the foregoing, Defendant’s Motion to Suppress Physical Evidence and Statement at Docket 37 is DENIED.

DATED this 12th day of April, 2019, at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> 28 U.S.C. § 636(b)(1).

<sup>2</sup> *Id.*

<sup>3</sup> *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”).